

28 FEB 2006

#14



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Felix J. D'Ambrosio
Bacon & Thomas, PLLC
625 Slaters Lane - 4th Floor
Alexandria, VA 22314

In re Application of :
SOBEK :
U.S. Application No.: 10/018,967 : DECISION ON RENEWED
PCT No.: PCT/EP00/05270 :
Int. Filing Date: 07 June 2000 : PETITION UNDER
Priority Date: 11 June 1999 :
Attorney Docket No.: 112-041 : 37 CFR 1.181
For: LAMINATED GLASS SYSTEM :

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.181" filed 28 December 2005 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 28 October 2005, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present application. Applicant was afforded two months to file any request for reconsideration.

On 28 December 2005, applicant filed the renewed petition under 37 CFR 1.181 considered herein.

DISCUSSION

The present application became abandoned as to the National stage in the United States for failure to timely file a proper response to the "NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) mailed 18 June 2002. As detailed in the decision mailed 28 October 2005, applicant's response of 18 July 2002 did not rectify the issue raised in the notification. Specifically, applicant did not supply an English translation of the international application as filed. In the current renewed petition applicant continues to insist that the international application as filed contained 22 claims and that therefore the filed English translation which listed 22 claims was compliant. This is simply not the case. As stated in the prior decision, a review of the published international application finds that it contained 20 claims. A review of the international preliminary examination report (Form PCT/IPEA/409) finds that the report was drawn on the basis of the claims 'Nos. 1-22, filed with the letter of 03 September 2001 (03.09.2001). Under applicant's argument that international application would have been filed on 07 June 2000 with 22 claims, amended prior to publication reducing the number of claims to 20 and then amended again on 03 September 2001 to again contain 22 claims. Applicant has not included any evidence to support this scenario; nor does the PCT application provide for the publishing of amended

claims in lieu of the originally filed claims. (See PCT Rule 48.2(f)).

RECOMMENDATION

Applicant may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. See 62 Fed. Reg. 53131 (October 10, 1997); 1203 Off. Gaz. Pat. Office 63 (October 21, 1997) (Effective Date: 01 December 1997).

This recommendation to file a petition under 37 CFR 1.137(a) or (b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.181 is **DISMISSED**.

This application remains abandoned as to the United States of America.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459